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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/682,645

10/08/2003

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18602-08111

8234

61520 7590 11/26/2008

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/682,645	Applicant(s) KAHN, JESSICA	
	Examiner TUYETLIEN T. TRAN	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-24, 26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-24, 26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 9/19/08.

This action is made non-final.

2. Claims 1-4, 11-24, 26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74-76 are pending in the case. Claims 1, 46, 60, 61, 75, 76 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/19/08 has been entered.

Claim Objections

4. Claims 1, 46, 60 and 61 are objected to because of the informalities: it is suggested that the limitation "the operating system markers including a number of currently opened application programs" should be changed to "the operating system markers including an indication of a number of currently opened application programs" to be consistent with the claimed language. Appropriate correction is required.

5. Claim 60 is objected to because the system as recited in the claim raises the issues of being directed to software component system, per se. The components positively recited in the claims are "means for" components; however, the Applicant's specification provides no clear definitions of those "means for" components to be construed as clearly being hardware components. Appropriate correction is required.

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6. Claims 2-4, 13, 19, 47-49, 51, 52 are objected to because of informalities: it is suggested that the limitation "automatically configuring the at least one functional component of the user interface" should be changed to " automatically configuring the at least one functional component of the user interface of the application program and the at least one functional component of the user interface of the operating system" to avoid the lack of antecedent basis. Appropriate correction is required.

7. Claims 34, 35, 59 are objected to because of informalities: it is suggested that the limitation "automatically configuring the at least one functional component of each user interface" should be changed to " automatically configuring the at least one functional component of the user interface of the application program and the at least one functional component of the user interface of the operating system" to avoid the lack of antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-4, 13-23, 30, 34-40, 42, 44-49, 51-57, 59-64, 66-72, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier et al (Patent No US RE37,431 E; hereinafter Lanier) in view of Hoffberg et al (Patent No US 6400996 B1; hereinafter Hoffberg).**

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As to claims 1, 46 and 60, Lanier teaches:

A computer-implemented user interface configuration method, system and product for providing customized information to an application program and to an operating system, the computer system including a plurality of application programs (e.g., see Figs. 1, 2), comprising:

a computer-readable medium; computer program code, encoded on the medium for (e.g., see col. 2 lines 46-57):

storing a plurality of application program markers, each application program marker associated with one of the plurality of application programs, and indicating a user interaction with the associated one of the application programs (e.g., see col. 3 lines 12-28 and lines 53-61, col. 4 lines 7-17; wherein the user-directed events are activities associating with a plurality of different applications);

storing a plurality of operating system markers, each operating system marker indicating a user interaction with the operating system (e.g., see col. 3 lines 62-67 through col. 4 lines 1-6), the operating system markers including a number of currently opened application programs (e.g., see col. 5 lines 37-49 and col. 6 lines 1-9; wherein system states including application is running or has quit; which application is running...);

Lanier further teaches the monitor device keeps track of the number of times an activity has successfully been completed by a user (e.g., see col. 3 lines 53-61). Lanier teaches determining the skilled level with respect to the user interface of the software application and user interface of the operating system based on the historical information and user interaction with the underlying system (e.g., see col. 4 lines 18-23 and col. 11 lines 6-20).

Lanier teaches automatically configuring and displaying help information of the user interface of the software application and of the user interface of the operating system

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responsive to the detected user proficiency level (e.g., see col. 4 lines 22-24 and Fig. 3B; note that help information display is a user interface component).

However, Lanier does not expressly teach assigning weights to each of the plurality of application program markers and each of the plurality of operating system markers; determining a weighted score as a function of a subset of the weighted operating system markers and a subset of the weighted application program marker; and determining a user proficiency level based upon the weighted score; and configuring at least one functional component of the user interface of the software application and at least one functional component of the user interface of the operating system responsive to the detected user proficiency level.

In the same field of endeavor of dynamically configuring information, Hoffberg teaches an adaptive user interface which changes in response to the context, past history and status of the system (e.g., see col. 50 lines 53-55). Hoffberg teaches assigning weights to each of the plurality of application program markers and each of the plurality of operating system markers (e.g., col. 67 lines 6-26, col. 97 lines 58-67, col. 98 lines 50-67). Hoffberg teaches determining a weighted score as a function of a subset of the weighted operating system markers and a subset of the weighted application program marker (e.g., col. 67 lines 6-26, col. 97 lines 58-67, col. 98 lines 50-67); and determining a user proficiency level based upon the weighted score (e.g., col. 97 lines 58-67, col. 98 lines 50-67). Hoffberg teaches automatically configuring at least one functional component of the user interface of the software application (e.g., col. 143 lines 34-64) and at least one functional component of the user interface of the operating system responsive to the detected user proficiency level (e.g., col. 81 lines 23-40 and col. 98 lines 22-25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the feature dynamically providing help information based on

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skilled level as taught by Lanier to include the feature of adaptive user interface in response to skilled level as taught by Hoffberg to achieve the claimed invention. One would have been motivated to make such a combination is to minimize, for an individual user at any given time, the search and acquisition time for the entry of data through the interface (e.g., see Hoffberg col. 50 lines 51-53).

In regard to claim 61, claim 61 reflects the system used for performing the steps claimed in claim 1, and is rejected along the same rationale.

As to claims 2, 47 and 62, Lanier further teaches selecting at least one configuration option from a plurality of configuration options (i.e., see Fig. 3A). Hoffberg also teaches selecting at least one configuration option from a plurality of configuration options (i.e., see col. 86 lines 49-61; col. 97 lines 58-67 through col. 98 lines 1-14). Thus, combining Lanier and Hoffberg would meet the claimed limitations for the same reasons as set forth in claim 1.

As to claims 3, 48 and 63, Hoffberg further teaches at least one selected from the group consisting of: enabling access to a functional user interface element; disabling access to a user functional interface element; and changing an appearance of a functional user interface element (i.e., see col. 81 lines 29-40). Thus, combining Lanier and Hoffberg would meet the claimed limitations for the same reasons as set forth in claim 1.

As to claims 4, 49 and 64, Hoffberg teaches providing a set of functions including:
enabling access to a command/menu/button/shortcut (i.e., see col. 81 lines 29-40);
disabling access to a command/menu/button/shortcut (i.e., see col. 81 lines 29-40);

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changing an appearance of a command/menu/button/shortcut (i.e., col. 84 lines 22-44). Thus, combining Lanier and Hoffberg would meet the claimed limitations for the same reasons as set forth in claim 1.

As to claims 13, 51 and 66, Lanier further teaches wherein determining the user proficiency level and automatically configuring the user interface are performed responsive to a trigger event (e.g., see Fig. 6 and col. 4 lines 1-6).

As to claim 14, Hoffberg further teaches wherein the trigger event comprises user input requesting user interface configuration (e.g., col. 51 lines 40-63). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 15, Lanier teaches wherein the trigger event comprises application startup (e.g., see col. 3 lines 53-67 through col. 4 lines 1-6).

As to claim 16, Hoffberg further teaches wherein the trigger event comprises system startup (i.e., col. 116 lines 15-32). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 17, Lanier teaches wherein the trigger event comprises a change in user behavior with respect to the user interface (e.g., see col. 3 lines 53-67 through col. 4 lines 1-6).

As to claim 18, Hoffberg teaches wherein the trigger event comprises user logon (e.g., col. 51 lines 40-63). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

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As to claims 19, 52 and 67, Lanier teaches determining the user proficiency level and automatically configuring the user interface are performed periodically (e.g., col. 5 lines 37-49).

As to claims 20, 53 and 68, Hoffberg further teaches reading a stored user proficiency level derived from at least one weighted marker (i.e., col. 98 lines 50-67). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 21, Hoffberg further teaches wherein the plurality of operating system markers further includes an indication of a historical usage of the user interface (e.g., col. 52 lines 34-44). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 22, Hoffberg further teaches wherein the plurality of operating system markers further includes an indication of whether an element of either a user interface has been used (e.g., col. 52 lines 34-44). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 23, Hoffberg further teaches wherein the plurality of operating system markers further includes an indication of whether an element of the user interface of the operating system has been used a number of times exceeding a predetermined threshold (e.g., col. 52 lines 34-44, col. 73 lines 1-29). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

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As to claim 30, Hoffberg further teaches a user-specified preference indicating a proficiency level (e.g., col. 51 lines 40-63). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claims 34, 54 and 69, Hoffberg teaches:

determining the user proficiency level comprises determining the user proficiency level with respect to a user interface component less than the entire user interface of the operating system (e.g., col. 52 lines 34-44); and

automatically configuring the at least one functional component of each user interface comprises automatically configuring the user interface component without altering the configuration of the remainder of the user interface (e.g., col. 52 lines 34-44). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claims 35, 55 and 70, Hoffberg further teaches:

determining the user proficiency level comprises determining the user proficiency level with respect to a selected one of the plurality of application programs (i.e., col. 98 lines 50-67, col. 143 lines 13-64); and

automatically configuring the at least one functional component of the user interface comprises automatically configuring the user interface for the selected one of the plurality of application programs (i.e., col. 143 lines 13-64). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claims 36, 56 and 71, Hoffberg further teaches:

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responsive to user behavior with respect to either the application program user interface or the operating system user interface, storing a corresponding weighted marker (e.g., col. 52 lines 34-44, col. 98 lines 50-67);

and wherein determining weighted score comprises reading the stored weighted marker (i.e., col. 98 lines 50-67). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 37, Lanier further teaches storing the marker is performed by a first application (e.g., see item 320 as shown in Fig. 3A); and

reading the stored marker is performed by a background process (e.g., see item 340, 350 in Fig. 3A). Hoffberg teaches the feature of assigning weight to the markers (e.g., col. 98 lines 50-67). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 38, Lanier further teaches:

storing the marker is performed by a first application (e.g., see item 320 as shown in Fig. 3A); and

reading the stored marker is performed by a second application different from the first application (e.g., see item 340, 350 in Fig. 3A). Hoffberg teaches the feature of assigning weight to the markers (e.g., col. 98 lines 50-67). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 39, Hoffberg further teaches:

storing the weighted marker is performed by a first application (e.g., col. 52 lines 34-44);
and

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reading the stored weighted marker is performed by a second application different from the first application (e.g., col. 52 lines 34-44). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 40, Lanier further teaches modifying functional user interface elements that are supplied to the plurality of application programs and the operating system (e.g., see col. 2 lines 1-11). Hoffberg also teaches this feature (e.g., col. 87 lines 18-39).

As to claims 42, 57 and 72, Hoffberg further teaches retrieving a plurality of stored weighted markers and aggregating the retrieved markers (e.g., see col. 98 lines 50-67). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 44, Hoffberg teaches:

accepting user input overriding a selected one user interface configuration and specifying a desired configuration (e.g., see col. 57 lines 7-16); and

responsive to the user input, configuring the selected one user interface according to the desired configuration (e.g., see col. 57 lines 7-16). Thus, combining Lanier, Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claims 45, 59 and 74, Hoffberg further teaches:

detecting a user proficiency level with respect to a user interface of a web-resident application being run from a client machine (i.e., col. 51 lines 40-63); and

automatically configuring the at least one functional component of each user interface element for the web-resident application (e.g., col. 51 lines 40-63). Thus, combining Lanier,

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Hoffberg would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

10. Claims 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg in view of Morrison (Publication No. US 2003/0030668 A1, hereinafter simply referred to as Morrison).

As to claims 75 and 76, Hoffberg teaches:

A computer-implemented user interface configuration method, for configuring a user interface of an application program and a user interface of an operating system of a computer system, the computer system including a plurality of application programs (e.g., col. 50 lines 53-55), the method comprising:

determining a user proficiency level with respect to the user interface of the application program and user interface of the operating system (e.g., col. 97 lines 58-67, col. 98 lines 50-67); and

automatically configuring at least one functional component of the user interface of the application program (e.g., col. 143 lines 34-64) and at least one functional component of the user interface of the operating system responsive to the user proficiency level (e.g., col. 81 lines 23-40 and col. 98 lines 22-25).

While Hoffberg teaches the user proficiency level can be determined based on user input, a past history of use, a context of use (e.g., col. 65 col. 16-23), Hoffberg does not expressly teach the user proficiency level is determined based upon a number of application programs currently open, a historical average number of concurrently open applications, a

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number of windows currently open, and a historical average number of concurrently open windows.

In the same field of endeavor of customizing information, Morrison teaches a system of customizing help information based on a user proficiency level (e.g., [0030]) wherein the user proficiency level is determined based upon a number of application programs currently open (e.g., see [0028]; wherein an ID is stored in the cookie with a timestamp corresponds to a file opened; therefore, how many files are currently open can be determined; note that files are displayed by an application either from a graphical user interface or from outside of the help system), a historical average number of concurrently open applications (i.e., based on the timestamp information, a program can count how many applications are open concurrently at any period of time, see [0028]), a number of windows currently open (e.g., [0028]; a file is open in a browser window as shown in Fig. 3A), and a historical average number of concurrently open windows (e.g., [0028]; a file is open in a browser window as shown in Fig. 3A).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of displaying a customized presentation of help files as taught by Morrison to the method for configuring the user interface as taught by Hoffberg to achieve the claimed invention. One would have been motivated to make such a combination is to allow the user to customize his or her use of the help system and thus view information tailored to his/her needs (see Morrison [0018]).

11. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier) in view of Hoffberg further in view of Hochmuth (Patent No. US 6377286 B1; hereinafter Hochmuth).

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As to claim 11, Lanier and Hoffberg teach the limitations of claim 1 for the same reasons as set forth above. Lanier and Hoffberg do not expressly teach outputting a notification of a change to user interface configuration. Hochmuth teaches outputting a notification of a change to user interface configuration (e.g., col. 5 lines 13-26). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the user interface configuration feature taught in Lanier and Hoffberg to include the feature of outputting a notification of a change to user as taught by Hochmuth to achieve the claimed invention. One would have been motivated to make such a combination is to provide the user the ability to be aware of the change made to the user interface.

As to claim 12, Hochmuth teaches outputting a notification of at least one newly enable user interface feature (e.g., col. 5 lines 13-26). Thus, combining Lanier, Hoffberg and Hochmuth would meet the claimed limitations for the same reasons as set forth in claim 11 above.

12. Claims 26, 28, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier in view of Hoffberg further in view of Morrison.

As to claims 26 and 29, Lanier, Hoffberg teach the limitations of claim 1 for the same reasons as discussed above. Lanier, Hoffberg do not teach an indication of a historical average number of concurrently open applications. Morrison teaches the user proficiency level is determined based upon a historical average number of concurrently open applications (i.e., based on the timestamp information, a program can count how many applications are open concurrently at any period of time, see [0028]; note a file is open in a browser window as shown in Fig. 3A). Accordingly, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to have used the method of displaying a customized presentation of help files as taught by Morrison to the method for configuring the user interface as taught by Lanier and Hoffberg to achieve the claimed invention. One would have been motivated to make such a combination for the same reasons as set forth in claim 75.

As to claim 28, Morrison teaches an indication of how many windows are open concurrently (e.g., see [0028]; wherein an ID is stored in the cookie with a timestamp corresponds to a file opened; therefore, how many files are currently open can be determined; note that files are displayed by an application either from a graphical user interface or from outside of the help system; note a file is open in a browser window as shown in Fig. 3A). Thus, combining Lanier, Hoffberg and Morrison would meet the claimed limitations for the same reasons as set forth in claim 75.

As to claim 33, Morrison further teaches determining historical usage of web pages having active content (e.g., by reading the data from the history file, a program can determine if the file is opened in the past, see [0028]). Thus, combining Lanier, Hoffberg and Morrison would meet the claimed limitations for the same reasons as set forth in claim 75.

13. Claims 24, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier in view of Hoffberg further in view of Aleksander et al (Patent No. US 7,080,321 B2, hereinafter simply referred to as Aleksander).

As to claim 24, Lanier and Hoffberg teach the limitations of claim 1 for the same reasons as discussed above. Lanier and Hoffberg do not teach an indication of a total amount of time spent by a user using an application. Aleksander teaches wherein detecting the user

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proficiency level comprises detecting a total amount of time spent by a user using an application (i.e., the time a customer spends on particular web pages displayed by a browser application, see col. 2, lines 25-30).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of determining the level of proficiency as taught by Aleksander to the method and program for configuring the user interface as taught by Lanier and Hoffberg to achieve the claimed invention. One would have been motivated to make such a combination is to prevent the customer from leaving the company web site by providing a user interface that the user may find it easy to navigate and to obtain the desired information for a product or service (see Aleksander col. 3, lines 35-37 and col. 1, lines 18-24).

As to claim 31, Aleksander further teaches web page visitation patterns (e.g., number of times that a customer returns to the web page, see col. 3, lines 21-25). Thus, combining Lanier, Hoffberg and Aleksander would meet the claimed limitations for the same reasons as discussed with respect to claim 24 above.

As to claim 32, Aleksander further teaches historical usage of secure web pages (see col. 6, lines 50-62). Thus, combining Lanier, Hoffberg and Aleksander would meet the claimed limitations for the same reasons as discussed with respect to claim 24 above.

14. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier in view of Hoffberg further in view of Lehmeier et al (Patent No. US 6981242 B2; hereinafter Lehmeier).

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As to claim 41, Lanier and Hoffberg teach the limitations of claim 36 for the same reasons set forth above in claim 36. Lanier and Hoffberg do not teach: storing a weighted marker is performed by an operating system; and reading the stored weighted is performed by an application program. In the same field of endeavor of customizing user interface, Lehmeier teaches:

storing a weighted marker is performed by an operating system (e.g., col. 14 lines 28-50); and

reading the stored weighted marker is performed by an application program (e.g., col. 14 lines 28-50). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the user interface configuration as taught by Lanier and Hoffberg to include the feature of user interface configuration based on the skilled level as taught by Lehmeier to achieve the claimed invention. One would have been motivated to make such a combination is to generate a more user-friendly software application that fits the user's skill level (e.g., see Lehmeier col. 1 lines 40-50).

Response to Arguments

15. Applicant's arguments filed on 09/19/2008 have been considered but are moot in new ground of rejection.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would

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have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/
Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179